



U.S. Department of Justice

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

July 11, 2005

The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
U.S. House of Representatives  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Conyers:

This responds to your letter, dated May 20, 2004, requesting that the Attorney General appoint a special counsel to investigate allegations that officials of the Executive Branch, including the Justice Department, violated the War Crimes Act, 18 U.S.C. §2441, by approving the use of torture techniques banned by international law. We are sending identical responses to the other Members who co-signed your letter.

As you know, after receiving information from the Central Intelligence Agency and from the Department of Defense concerning potential violations of federal law over which the Department of Justice may have jurisdiction, the Department opened investigations into certain allegations of abuse in Iraq and Afghanistan. In one of these investigations, a five-count indictment was returned in the Eastern District of North Carolina charging David Passaro, a CIA contractor, with offenses relating to the interrogation of an Afghan detainee, who died in his cell in June of 2003.

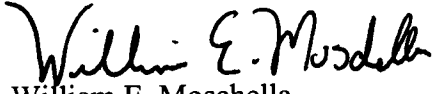
Last June, then Attorney General Ashcroft made the decision to consolidate all additional, ongoing prisoner abuse investigations in the United States Attorney's Office for the Eastern District of Virginia. Any new referrals will also be assigned there. A special prosecution team has been designated in the Eastern District of Virginia to handle these cases. The U.S. Attorney's Office for the Eastern District of Virginia is one of our finest, with experienced prosecutors who have a track record of success in complex matters involving national security, classified information, and military intelligence.

As the Department continues to investigate these and any other matters that come to our attention, we will maintain the high standards of professional integrity that we apply to all our investigations and prosecutions. If, at any point in time, we determine that it would be appropriate to appoint a special counsel, please be assured that we will immediately do so.

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We appreciate your concern regarding this matter and your support for our law enforcement efforts. Please do not hesitate to contact this office if you would like additional assistance regarding this or any other matter.

Sincerely,

  
William E. Moschella  
Assistant Attorney General

cc: The Honorable F. James Sensenbrenner, Jr.  
Chairman